

Applicant: Paul K. Smith
Appl'n. No.: 10/741,496
Filed: December 19, 2003
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REMARKS

Claims 9-12, 16-17, and 21-27 were pending in the subject application. Claim 24 is allowed. Claims 16-17 and 25-27 were withdrawn from consideration by the Examiner as drawn to non-elected subject matter. By this amendment, Claims 11, 16-17, 21 and 25-27 have been canceled without prejudice or disclaimer, Claims 9-10 and 22-24 have been amended, and Claims 28-29 have been added. Accordingly, upon entry of this amendment, Claims 9-10, 12, 22-24 and 28-29 will be pending and under examination.

Applicant maintains that the amendments do not raise an issue of new matter. Allowed Claim 24 has been rewritten in independent form, including the limitations of the base claim and intervening claims. Claim 9 has been amended to recite the features recited in Claim 21, which has been canceled. Claims 10 and 22 have been amended to correct claim dependencies. Claim 23 has been amended to clarify the claim language. Support for new Claims 28 and 29 can be found in the specification at least in paragraph [0002] on page 1 and paragraph [0039] on page 17. Accordingly, entry of the amendments is respectfully requested.

Allowed Subject Matter

Claim 24 is allowed. Claim 24 has hereinabove been rewritten in independent form including the limitations of the base claim and intervening claims.

Rejections under 35 U.S.C. §112, First Paragraph

Claims 9-11 and 21-23 are rejected under the written description requirement of 35 U.S.C. §112, first paragraph, due to the breadth of the claims. Independent Claim 9 has hereinabove been amended to recite that “**M** is a polyethylene glycol or a polysaccharide” instead of an alcohol-containing macromolecule. The

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remaining pending rejected claims depend from Claim 9. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

Rejections under 35 U.S.C. §112, Second Paragraph

Claims 9-11 and 21-23 are rejected under 35 U.S.C. §112, second paragraph, as indefinite due to recitation of "reacted...molecule" and "hydroxyl containing surface." The claims have hereinabove been amended to eliminate these terms. Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested.

Rejection under 35 U.S.C. §102(b)

Claim 9 is rejected under 35 U.S.C. §102(b) as anticipated by Boring et al. (Bioconjugate Chem. 2: 77-88, 1991). The Examiner indicated that Boring et al. teaches a compound where macromolecule **M** is Bu-t (-C(CH₃)₃). Claim 9 has hereinabove been amended to recite that "**M** is a polyethylene glycol or a polysaccharide." Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested.

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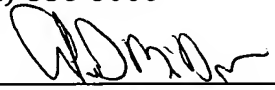
CONCLUSIONS

In view of the amendments and remarks made hereinabove, reconsideration and withdrawal of the rejections set forth in the November 28, 2005 Office Action and passage of the pending claims to allowance are respectfully requested. Should there be any minor matter preventing allowance of the application, the Examiner is requested to telephone the undersigned attorney.

No fee is deemed necessary in connection with the submission of this Amendment. However, if any fee is required to maintain the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted,
AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicant
90 Park Avenue
New York, New York 10016
(212) 336-8000

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New York, New York

By 
Alan D. Miller, Reg. No. 42,889